

IN SENATE OF THE UNITED STATES.

JANUARY 5, 1848.

Submitted, and ordered to be printed.

Mr. ASHLEY made the following

REPORT :

[To accompany bill S. No. 55.]

The Committee on the Judiciary, to whom was referred the memorial of Richard S. Coxe, report :

That this claim received a full investigation by the Committee on the Judiciary, at the first session of the 29th Congress, and was favorably reported on ; that report sets forth the whole merits of the case, and is now adopted and made part of this report.

IN SENATE OF THE UNITED STATES.—December 23, 1846.

Mr. ASHLEY made the following report :

The Committee on the Judiciary, to whom was referred the memorial of Richard S. Coxe, report :

That this claim was before the Committee on the Judiciary at the last session of the Senate, and the committee made a report thereon, which is now adopted, as representing the views of this committee, and made a part of their report. The committee report a bill for his relief.

The Committee on the Judiciary, to whom was referred the memorial of Richard S. Coxe, praying compensation for legal services as counsel for the Post Office Department, in a suit in which the interests of that department were involved, report :

That a controversy having arisen between Stockton and Stokes, mail contractors, and William Searight, commissioner and superin-

tendent of the Cumberland road, in the State of Pennsylvania, as to the right of the said superintendent to enforce the payment of tolls from the agents or contractors employed by the Post Office Department in carrying the mail of the United States over that portion of the national road lying within the limits of the State of Pennsylvania, by consent of parties, a suit was brought in the circuit court of the United States for the western district of Pennsylvania, and an issue made up for an argument of the cause before the Supreme Court of the United States.

The Postmaster General, to whom the case was submitted by the committee, says: "Mr. R. S. Coxe had been retained as counsel for the contractors, and Mr. Wickliffe recognised him as the attorney of the department." The case was argued in the Supreme Court, at the term of January, 1844, by the memorialist on behalf of the department; but inasmuch as it involved important constitutional questions, and similar controversies, already existing with the States of Ohio and Virginia, awaited the decision of this court, these, added to the fact that a bare quorum of the court was present at the hearing, (and of these, two were citizens of the States with whom the controversy existed,) formed sufficient reasons, as the memorialist believed, for postponing the case for a second hearing, which the court directed should be done.

For the services thus rendered by Mr. Coxe, the Postmaster General, Wickliffe, allowed him the sum of \$200, which he said was "about a fair compensation."

At the ensuing session of the Supreme Court, December term, 1844, the case was again called for argument, and was again fully argued by Mr. Coxe, with whom was now associated the Attorney General, and the court decided in favor of the claim asserted by the United States, that the vehicles employed by it for transporting the mail were and must remain exempt from the payment of tolls for passing over the national road.

For the services rendered by Mr. Coxe on this occasion, he presented an account against the department of \$500, which the Postmaster General refused to pay, giving as his reason for such refusal, that the payment already made by the former Postmaster General was in full for the services rendered, and could not have been intended as a payment on account, inasmuch as it was considered "a fair compensation." In this conclusion the committee differ from the Postmaster General, and can see no additional force in the other reason which he assigns why this claim should not be allowed, viz: that "this account is rendered without any allusion to the \$200 that had been paid a year before." Whether the sum of \$200, paid for services rendered a year before, was or was not a fair compensation, the committee are not called on to decide. The memorialist prefers his claim for services rendered since that payment; and if he makes no allusion to it, in rendering his second account, which is for a subsequent service, it is, perhaps, because there was in fact no necessary connexion between the two, certainly, in the opinion of the committee, not sufficient to sustain the Postmaster General in the rejection of this claim, which the committee are of opinion should be allowed, and for which they accordingly report a bill.